

**To:** School Superintendents, Business Managers, Directors, and Finance Staff

**From:** IN Department of Education

**Date:** April 17, 2020

**Re:** Curricular Material Rental Related Issues Due to COVID-19

In an effort to continue learning for the balance of the 2019-2020 school year, several questions have been raised by school officials regarding curricular material rental and fees. This memo attempts to address some of the concerns raised with respect to curricular material rental fees as affected by COVID-19. IDOE recommends school corporations and charter schools utilize flexibility to reflect fairness and minimize financial impact to parents or guardians.

Under current law, school officials may rent curricular materials at an annual rental rate that may not exceed twenty five percent of the retail price of the curricular materials. I.C. 20-18-2-2.7 defines curricular materials as:

“systematically organized material designed to provide a specific level of instruction in a subject matter category, including:

- (1) books;
- (2) hardware that will be consumed, accessed or used by a single student during a semester or school year;
- (3) computer software; and
- (4) digital content.”

The following are common questions and IDOE recommended guidance on the matter.

**Q. Can schools utilize curricular rental fees of items other than those originally identified due to the need for eLearning or remote learning?**

- A. It is a local determination on how rental fees are utilized. Schools should, in consultation with local legal counsel, consider adopting a policy broad enough to cover various methods of providing student instruction.

**Q. May a school assess a fee for providing access to Wi-Fi or a hotspot?**

- A. IDOE does not believe school officials should assess a fee to provide access to Wi-Fi or a hotspot. Curricular material rental fees are designed to provide instructed materials for a specific course and not just general Wi-Fi access. The CARES Act provides additional funds to school corporations and charter schools that affords them the flexibility on how fiscal resources are used. Because many school corporations and charter schools have transitioned to a different learning platform to provide remote learning opportunities for students, schools might consider utilizing CARES Act funds for the additional expense incurred.

**Q. We have families who were ineligible for curricular material assistance that will not pay the rental fees assessed for the school year. What do we do?**

- A. Keep in mind that the 2019-2020 school year is unusual for both school corporations and parents. Many families may find themselves in a different financial position than they were in two months ago. How this is addressed is a local decision, but there are a few things to keep in mind:
- Ensuring the availability of free or reduced lunch applications which also assist in determining eligibility for curricular material assistance;
  - Evaluating the use of federal CARES Act to offset the difference between what has been paid and the outstanding amount owed by a parent or guardian of a student(s);
  - Working with parents to establish payment plans;
  - Evaluating other remedies found in I.C. 20-33-5-11 and 12; or
  - Absorbing outstanding curricular material costs.

Whatever officials determine is the appropriate resolution should be part of a written policy, applied uniformly throughout the school corporation or charter school, approved by the school governing body, and reviewed by local counsel.

**Q. We have parents requesting refunds for curricular materials. Can we provide them a credit against curricular material rental fees for the next school year?**

- A. In light of COVID-19, school officials should reevaluate current policies regarding curricular material refunds while considering the requirements of I.C. 20-26-12-26. There are circumstances where a credit may not be feasible. Any application of credits to families should be done pursuant to the policy established by the school governing body in consultation with local counsel.

**Q. As school governing bodies reevaluate curricular material policies currently in place, what should be kept in mind?**

- A. It should be noted that development of updated policies regarding curricular material will vary by school corporations. When developing a policy, items to consider include:
- Does the current school corporation policy concerning curricular materials include a provision regarding refunds?
  - Is the school corporation still using curricular material (textbooks, technology, and/or consumables) for instruction?
  - Are any/all curricular materials (textbooks, technology, and/or consumables) accessible by a student(s)?
  - If it is determined that a refund (full or partial) is necessary, a school corporation may not be able to issue a refund until curricular materials (textbook or technology) are returned

to the school or the AP exam is canceled. This would allow school corporations to determine if there was damage, loss, or stolen items. If rented items are still in desks/lockers there would need to be arrangements made to allow students to retrieve the curricular material to turn them over to the district when safe to do so.

- In an effort to avoid amendments to the policy, use broad language, if applicable.
- Ensure that any proposed policy aligns with guidance provided by the State Board of Accounts on Coronavirus.
- Utilize the school attorney in the development of policies.

Please direct any questions regarding this memorandum to [doetextbooks@doe.in.gov](mailto:doetextbooks@doe.in.gov).